

Spaldington Parish Council June 2019

Habitual and Vexatious Complaints

Councils will endeavour to deal with complaints in an efficient, equitable and effective manner. If the complainant behaves in ways which can: impede the investigation of the complaint; have significant resource implications; hinder the complaints service for others; be offensive, abusive or threatening, the council may have to initiate further action

Dealing with a complaint is a straightforward process, in a minority of cases people pursue their complaints in a way which can either impede the investigation or can have significant resource issue for the council.

1 Definitions

Examples include the way or frequency that complainants raise their complaint or respond when informed of the council's decision.

It may

- 1.1) Have sufficient or no grounds for their complaint and be making the complaint only to annoy.
- 1.2) Refuse to specify the grounds for the complaint despite offers of assistance.
- 1.3)Refuse to co operate with the complaints investigation process while still wishing their complaint to be resolved.
- 1.4) Persist in seeking an outcome which we have explained is unrealistic for legal or policy or other valid reasons.
- 1.5) Make the same complaint repeatedly, perhaps with minor differences.
- 1.6) refuse to accept the outcome of the complaints process after its conclusion or denying that an adequate response has been given
- 1.7) make unreasonable demands or expectations of the council or staff.

2 Aims of this Section

- 2.1 The aim of the council is to manage each case properly, consistently, fairly and respectfully and ensure that the complaint, not the complainant, is the issue during any procedure and decision making.
- 2.2 It is important to establish guidelines for identifying habitual or vexatious complainants and that any decisions made to follow agreed guidelines and procedures.

3 Guidelines

- 3.1. Councils will try to keep open the lines of communication with appropriate support e.g. clarifying the reason for the outcome.
- 3.2. Any action taken as a result of proven persistent and/or vexatious complaint will be proportionate to the degree of annoyance/aggravation caused.

4. Procedure

- 4.1. The possibility of there being an unreasonably persistent and/or vexatious complaint will be brought to the attention of the chairman or vice chairman to ensure that the complaint has been dealt with according to the council's complaints procedure.
- 4.2. The chairman or vice chairman will contact the complainant in an effort to resolve the situation.
- 4.3. In the case of a meeting, if there is a personality issue, the complainant may nominate another councillor who will be made aware of all the facts. A complainant may wish to bring a representative.
- 4.4. The chairman/vice chairman will:

- 4.4.1 Listen to the grievance/complaint
- 4.4.2 Assure the complainant of confidentiality with personal details
- 4.4.3 Carefully explain what action the council has taken within its remit to resolve the complaint.

5 Complaints Procedure.

- 5.1) Offer any relevant support about the complaints procedure to the complainant.
- 5.2) Suggest complaint structures available if complaint is outside the council's remit.
- 5.3) Explain how the complainant's actions are of concern but are hampering the complaints procedure.
- 5.4) Explain what actions the council may take.
- 5.5) The outcome and relevant details of the meeting will be noted.

6 Decision

6.1 If the complainant continues to behave in unreasonable and/or vexatious way, the chairman or vice chairman will seek the approval of the council to follow the policy and agree what action(s) to take, e.g. restrict or refuse any further contact.

6.2 Restrictions

there will be individual circumstances to take into account and may include although not inclusive,

- 6.2.1) Banning the complainant from sending emails to individuals or staff.
- 6.2.2) Banning the complainant from any council building or meeting
- 6.2.3) Requiring any personal contact to take place in the presence of a witness.
- 6.2.4) Letting the complainant know we will not reply to acknowledge any further contact from them on the specified topic of complaint.
- 6.2.5) Letting the complainant know that there will be no contact or correspondence for a specified time. eg 6 months

6.3 The complainant will be advised by letter from the clerk of this action, including any further actions the complainant may take with other bodies including their right to obtain independent advice.

7 After the decision is made

The clerk or chair will contact the complainant to explain

- 7.1) why we have taken the decision
- 7.2) what action the council is taking.
- 7.3) The duration of the action.
- 7.4) the review process
- 7.5) the right of the complainant to contact the local ombudsman about the fact that they have been treated as a habitual and /or veracious complainant.

7.6) a copy of these procedures

8 Review

8.1 The decision taken will be reviewed after 6months.

8.2 The complainant will be notified of the result if the decision to apply the policy to them has been changed or extended.

8.3 Any new complaint from any person who has come under the policy must be treated on its merit.

9 Record Keeping

Adequate records will be retained by the clerk of the details of the case and the action that has been taken.

agreed June 3rd 2019 Meeting

Minute

review June 2020

